UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 W. JACKSON BLVD
CHICAGO, IL 60604

03 DEC 2012

MEMORANDUM

SUBJECT: Enforcement Action Memorandum – Determination of Threat to Public Health and the Environment at the Milwaukee Die Casting Site, 4132 N. Holton Street, Milwaukee, Milwaukee County, Wisconsin (Site ID #B5ZP)

FROM: Kathy Halbur, On-Scene Coordinator
Emergency Response Branch I, Removal Section 1

THRU: Jason H. El-Zein, Chief
Emergency Response Branch I

TO: Richard C. Karl, Director
Superfund Division

I. PURPOSE

The purpose of this Action Memorandum is to request approval of a time-critical removal action to address high levels of polychlorinated biphenyls (PCBs), chlorinated solvents (principally tetrachloroethylene (PCE) and trichloroethylene(TCE)), and asbestos at and adjacent to the Milwaukee Die Casting Site (Site), located at 4132 North Holton Street, in Milwaukee, Milwaukee County, Wisconsin. This Action Memorandum documents the determination of an imminent and substantial threat to public health and the environment posed by the conditions at the Site. PRP-lead activities at this Site will include, but are not limited to: disconnecting the property from the storm sewer and cleaning and removing contaminated sewer laterals, abating asbestos, demolishing the building, identifying and removing "free product" (waste oil containing high concentrations of PCBs) and sources of free product, decommissioning the tunnel system beneath the building, excavating and disposing of soils contaminated with PCBs and chlorinated solvents located on and off-site, site restoration, and establishing and maintaining a cap for the Site.

The Site is currently abandoned with no entity exercising control of it or taking responsibility for it. The U.S. Environmental Protection Agency (EPA) obtained an *ex parte* warrant from the U.S. District Court of the Eastern District of Wisconsin to conduct a site walk through and a removal assessment in May and June, 2011. EPA's removal assessment documented contamination at the Site and migration of contamination off-site. Additional assessment work conducted later in 2011 and in 2012 by the Wisconsin

Department of Natural Resources (WDNR) and EPA on neighboring property identified waste material with very high PCB concentrations ("free product") in a storm sewer lateral and City of Milwaukee storm sewer. The impacted storm sewer discharges to the Milwaukee River.

This action will be conducted in accordance with Section 104(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(a)(1), and 40 C.F.R. § 300.415 (*Removal action*) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) to abate or eliminate the immediate threats posed to public health and the environment. The response action described in this Action Memo will require an estimated one year to complete.

EPA is currently negotiating an Administrative Order on Consent (AOC) with the Potentially Responsible Parties (PRPs). The PRPs have indicated that they are willing to conduct the response actions with EPA oversight.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID: WIN000510552
RCRA ID: None
STATE ID: None
Category: Time-Critical

A. Site Description

The Milwaukee Die Casting Site is 3.7 acres. The 70,000 square foot building housing the former Milwaukee Die Casting Company is the only structure on Site, although there is also a trailer in the parking lot that is close to collapsing. The original construction date for the Site was 1909 with the current building constructed in 1952 and a building addition completed in 1964. The facility produced aluminum and zinc alloy parts for a variety of industries, including automotive, small engine, and process control manufacturers. During die casting, phosphate ester oil (PEO) containing PCBs, chlorinated solvents, and cyanide was used and stored at the Site. TCE was also used and stored at the Site. A tunnel system is located under the die-casting room floor. The tunnel system provided access and utility lines to die-casting machines. The tunnels are approximately 3-6 feet wide and 10 feet deep. Fluids collected in the tunnel system were discharged to an outdoor sump located near the northeastern wall of the Site building, which was connected to the sanitary sewer. Die casting operations at the Site ceased in 1997.

The Site is currently abandoned with no entity exercising control of it or taking responsibility for it. The owner of the property died on June 26, 2009. A provision of the owner's will devised the Site to the lien holders of the property in satisfaction of any and all outstanding liens. The City of Milwaukee, a lien holder, has not exercised its right to the property.

1. Removal site evaluation

As noted above, the Site is currently abandoned with no entity exercising control of it or taking responsibility for it. On April 27, 2011, the United States District Court, Eastern District of Wisconsin, issued an *ex parte* warrant to EPA that provided four days within a thirty day window to conduct a site reconnaissance visit and site assessment sampling. The site reconnaissance visit was conducted on May 17, 2011 and the site assessment was conducted May 31, June 1, and June 2, 2011. Because of the limited access to the Site, the site assessment was very comprehensive: 32 soil samples, 24 groundwater samples, 11 sediment samples, 8 tunnel water samples, 7 wipe samples, 6 dust samples, 9 air samples, and 1 drum sample were collected to characterize the current conditions at the Site and immediately adjacent to the Site.

The site assessment sampling revealed that despite removal activities conducted by the PRPs in 2008, contamination at the Site continues to exist at levels that pose an imminent and substantial risk to public health and the environment. Specifically, PCBs were detected at levels of concern in the building (PCB concentrations of 370 micrograms per 100 centimeter squared ($\mu g/100\ cm^2$) were measured on the building structure), in the building's tunnel system (PCB concentrations of 17,000 parts per million (ppm) were measured in the building's tunnel system), in Site soils under the building (PCB concentrations of 3,100 ppm were measured under the building's foundation) and around the building, including on neighboring properties to the north and east of the Site (PCB concentrations were measured at 18 ppm), and in the groundwater on and off-site. Chlorinated solvents were also identified in soils on-site (PCE concentrations of 31 ppm and TCE concentrations of 76 ppm were measured under the building's foundation) as well as in soils off-site (PCE concentrations were measured at 59 ppm) and in the groundwater. Sub-slab air samples were above vapor intrusion action levels (PCE 9,500 parts per billion by volume (ppbv); TCE 8,700 ppbv). Friable asbestos was identified in the building. Part of the roof has failed, resulting in stormwater filling the tunnels and sumps on-Site. The Site is secured by a 7 foot perimeter fence and the building is boarded up, however, evidence of trespassing was found inside and outside the building.

During a subsequent investigation conducted by WDNR on December 13, 2011, an additional area of off-site soil contamination on the neighboring property to the east was identified. Evidence of access to the property under the perimeter fence was documented in this same area. During this investigation, WDNR also identified a make-shift weir (wooden board) at the end of a sewer lateral leading from the eastern side of the building to the City of Milwaukee storm sewer. A sample of the liquid dammed behind the board was collected by WDNR and analyzed by EPA (at WDNR's request). The sample was oily water which separated in the sample jar. The PCB concentration of the oil portion of the sample was 410,000 mg/kg. The storm sewer manhole where the sample was collected discharges to the Milwaukee River, located less than ¼ mile to the east. On February 2, 2012, EPA removed the oily water in the lateral immediately behind the dam and conducted video surveillance of the lateral in an attempt to identify the source of the oil. The source of the oily water entering the lateral could not be identified and is still unknown. On May 29, 2012, EPA re-evaluated the manhole, lateral, and weir. The

wooden board was still in place and oily water had reaccumulated behind the board. A sample of the reaccumulated material yielded 220,000 mg/kg PCBs, indicating there is a source of free product from the facility that is continually releasing to the storm sewer and the Milwaukee River.

On May 3, 2012, the Wisconsin Department of Health Services (WDHS) issued a Health Consultation for the Milwaukee Die Casting Site that concluded that the conditions at the Site pose immediate, medium term, and long-term public health concerns.

The EPA Site Assessment Report and Addendum as well as the WDHS Health Consultation, which collectively detail all of the findings summarized in this Section, can be found in the Administrative Record for this Site.

2. Physical location

The Site is located at 4132 N. Holton Avenue, Milwaukee (Milwaukee County), Wisconsin, 53212. The Site coordinates are 43.0956370 north and -87.9051970 west. The area is comprised of mixed industrial, commercial, and residential uses. The Site is bordered to the north by a juvenile housing and corrections facility, to the east by a City of Glendale right of way (former railroad tracks, now rails to trails property), WTMJ broadcasting antenna and publicly accessible green space, to the south by a former aggregate crushing facility, and to the west by an Army National Guard armory. According to WDHS, approximately 14,400 people live within one-mile of the Site.

EPA performed an Environmental Justice (EJ) analysis on the Site. The analysis is contained in Attachment B. EPA screened the area surrounding the Milwaukee Die Casting Site using Region V's EJ Assist Tool (which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT)). EPA Region V considers census tracts with a score of 1, 2, or 3 to be high-priority potential EJ areas of concern. The Milwaukee Die Casting Site is in a census tract with a score of 1 (Attachment 1). Therefore, Region 5 does consider the Site to be high-priority potential EJ area of concern.

3. Site Characteristics

As noted above, the Site is abandoned. There are numerous physical and chemical hazards associated with the Site. There is a 7-foot high perimeter fence surrounding the property that is in good condition; however, there is evidence of frequent trespassing at the Site, including significant graffiti on the building and litter inside the fence. The building is boarded up and doors are locked; however, there was evidence during EPA's site assessment that trespassers had recently been inside the building. The roof is failing, resulting in stormwater flooding the building. Friable asbestos is uncontrolled in the building. There are floor trenches and an underground tunnel system that pose serious physical hazards. There are no utilities to the building; therefore, the building is very dark inside with all windows boarded. The building has been disconnected from the sanitary sewer system. High concentration PCB oily water is currently discharging to the City of

Milwaukee storm sewer system, which leads to the Milwaukee River, less than ¼ mile to the east of the property. There is a trailer in the Site parking lot that is close to toppling. The City of Milwaukee Fire Department has issued a department-wide warning not to enter the building. Evidence of homeless persons (i.e., tents and make-shift camps) have been noted in the wooded areas immediately to the north and east of the property during EPA visits to the area.

4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

As noted above, PCB and chlorinated solvent contamination from the Site is migrating through soil and groundwater on and off Site. Additionally, overland flow of contaminated stormwater has resulted in PCB contamination migrating off-Site. PCB, PCE, TCE, and asbestos contamination at the Site pose a direct contact risk to anyone at the Site. An unidentified source of high concentration PCB oil is migrating through one of the facility's storm sewer laterals into the City of Milwaukee storm sewer and ultimately into the Milwaukee River. The roof of the facility is failing, resulting in stormwater collecting in the facility and creating an ongoing release into the storm sewer and Milwaukee River. PCBs, PCE, TCE, and asbestos are all hazardous substances, as defined by Section 101(14) of CERCLA, 42 U.S.C. § 101(14).

On May 3, 2012, WDHS issued a Health Consultation for the Milwaukee Die Casting Site that concluded that the conditions at the Site pose immediate, medium term, and long-term public health concerns. WDHS recommends a cleanup at the Site to prevent unnecessary exposure to physical and chemical hazards at the Site, including PCBs, asbestos, and chlorinated solvents. The Health Consultation is available as part of the Administrative Record for this Site.

5. NPL status

This Site is not on the National Priorities List (NPL).

6. Maps, pictures and other graphic representations

Figure 1: Site Location Map
Figure 2: Site Layout and Utility Corridors
Attachment 1: Environmental Justice (EJ) Analysis
Attachment 2: Photo Log
Attachment 3: Administrative Record Index

B. <u>Other Actions to Date</u>

1. Previous actions

In 2008, the Milwaukee Metropolitan Sewerage District (MMSD) identified sediments in MMSD's Basin H (the main collector sewer serving the northeast portion of Milwaukee

County) contaminated with PCBs at concentrations which exceed EPA's allowable levels under the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2601 to 2695d. MMSD contends that the source of PCBs in Basin H is Milwaukee Die Casting. When MMSD investigated the Site in 2008, it found an oily liquid (18,300 ppm PCBs) in a sump crock which was directly connected to the sewer. MMSD issued an Order to Milwaukee Die Casting's property owner to place a bulkhead between the property and the sewer system.

In addition to MMSD's Order, WDNR has employed numerous enforcement tools over the years, including court orders, to compel the PRPs to address the extensive contamination at and migrating from the Site.

In 2008, certain PRPs, decommissioned and abandoned all sanitary service conditions at the Site. In 2008, the PRPs also removed the underground storage tanks and over 100 drums and containers of waste from the Site, abated approximately 2,000 linear feet of friable TSI pipe wrap and fittings with asbestos containing material in the foundry room and trimming department, isolated the boiler room, removed oil from the floor and the trenches in the foundry area, pumped and cleaned the sumps, secured the building, and installed a chain-link perimeter fence. In 2010, the PRPs also capped contaminated soil in the courtyard east of the building with a geotextile fabric and stone cover system.

In November, 2010, WDNR asked EPA's Emergency Response Branch for enforcement assistance with this Site. As noted above, EPA obtained a warrant to access the property and conducted a comprehensive site assessment in May and June, 2011 to determine current environmental conditions at the Site. Based on the results of the assessment and information obtained from request for information made pursuant to Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), EPA issued General Notice Letters to all PRPs, Slyman Industires, Inc., Pharmacia, and Fisher Controls International, LLC,on March 6, 2012.

On December 13, 2011, WDNR conducted additional sampling adjacent to the Site and discovered the release to the storm sewer and the additional area of off-site contaminated surface soil to the east of the Site. On February 2, 2012, EPA removed the oily liquid in the lateral immediately behind the dam and conducted video surveillance of the lateral in an attempt to identify the source of the oil. The source of the oily water entering the lateral could not be identified and is still unknown. On May 29, 2012, EPA re-evaluated the manhole, lateral, and weir. The wooden board was still in place and oily water had reaccumulated behind the board. A sample of the reaccumulated material demonstrated that there is a source of free product from the facility that is continually releasing to the storm sewer and the Milwaukee River.

2. Current actions

Since May, 2012, EPA has been negotiating with the PRPs to conduct a time-critical removal action at the Site. Additionally, EPA has been in communication with the City of Milwaukee, WDNR, and EPA's Land and Chemical Division regarding the Applicable or Relevant and Appropriate Requirements (ARARs) and potential future development options (and limitations) for the Site. It is anticipated that the City of Milwaukee will

foreclose on the property due to tax delinquencies after an enforcement order with the PRPs is in place.

C. State and Local Authorities' Roles

1. State and local actions to date

WDNR has employed numerous enforcement tools over the years, including court orders, to compel the PRPs to address the extensive contamination at and migrating from the Site.

In 2008, MMSD issued an Order to Milwaukee Die Casting's property owner to place a bulkhead between the property and the sewer system.

In November, 2010, WDNR asked EPA's Emergency Response Branch for enforcement assistance with this Site.

In December, 2011, the City of Milwaukee Department of Neighborhood Services issued an Order requiring the Site be disconnected from the City's Storm Sewer system.

In May, 2012, WDHS issued a Health Consultation for the Site that concluded that the conditions at the Site pose immediate, medium term, and long-term public health concerns. WDHS recommends a cleanup at the Site to prevent unnecessary exposure to physical and chemical hazards (including PCBs, asbestos, and chlorinated solvents) at the Site.

In September, 2012, the Milwaukee Fire Department issued a department-wide warning not to enter the building.

2. Potential for continued State/local response

EPA anticipates that the City of Milwaukee will foreclose on the property once an enforcement order with the PRPs is in place. If the City of Milwaukee forecloses on the property, EPA is hopeful that the City will grant access to EPA for the removal through an authorized access agreement. Through foreclosure, the City would also be obligated for the long term maintenance of the Site's cap. If the City of Milwaukee does not foreclose on the property, EPA will pursue another *ex parte* warrant to gain access to the Site in order to conduct the removal action. By means of the anticipated settlement agreement, EPA will require that the PRPs be responsible for post-removal site controls until another steward (property owner) agrees to assume the PRPs' obligations.

III. THREAT TO PUBLIC HEALTH OR THE ENVIRONMENT, AND STATUTORYAND REGULATORY AUTHORITIES

The conditions at the Milwaukee Die Casting Site present an imminent and substantial threat to public health or welfare, and the environment, and meet the criteria for a time-critical removal action provided for in 40 C.F.R. § 300.415 (b)(2) of the NCP. These factors include, but are not limited to, the following:

- **Actual or potential exposure of nearby human populations, animals, or the food chain to hazardous substances or pollutants or contaminants.**

EPA's site assessment sampling revealed that despite removal activities conducted by the PRPs in 2008, contamination at the Site continues to exist at levels that pose an imminent and substantial risk to public health and the environment. Specifically, PCBs were detected at levels of concern in the building (PCB concentrations of 370 µg/100 cm^2 were measured on the building structure), in the building's tunnel system (PCB concentrations of 17,000 ppm were measured in the building's tunnel system), in Site soils under the building (PCB concentrations of 3,100 ppm were measured under the building's foundation) and around the building, including on neighboring properties to the north and east of the Site (PCB concentrations were measured at 18 ppm), and in the groundwater on and off-site. Chlorinated solvents were also identified in soils on-site (PCE concentrations of 31 ppm and TCE concentrations of 76 ppm were measured under the building's foundation) as well as in soils off-site (PCE concentrations were measured at 59 ppm) and in the groundwater. Sub-slab air samples were above vapor intrusion action levels (PCE 9,500 ppbv; TCE 8,700 ppbv). Friable asbestos was identified in the building. Part of the roof has failed, resulting in stormwater filling the tunnels and sumps on-Site. The Site is secured by a fence and the building is boarded up; however, evidence of trespassing was found inside and outside the building. Evidence of homeless camps has been identified by EPA near the off-site contamination areas to the north and east of the property.

During a subsequent investigation conducted by WDNR in December, 2011, an additional area of off-site soil contamination on the neighboring property to the east was identified. Evidence of access to the property under the perimeter fence was documented in this same area, demonstrating that trespassers are coming in direct contact with the PCB contamination.

During the December, 2011 investigation, WDNR also identified a make-shift weir (wooden board) at the end of a sewer lateral leading from the eastern side of the building to the City of Milwaukee storm sewer. A sample of the liquid dammed behind the board was collected by WDNR and analyzed by EPA (at WDNR's request). The sample was oily water which separated in the sample jar. The PCB concentration of the oil portion of the sample was 410,000 mg/kg. The storm sewer manhole where the sample was collected discharges to the Milwaukee River, located less than ¼ mile to the east. In February, 2012, EPA removed the oily water in the lateral immediately behind the dam and conducted video surveillance of the lateral in an attempt to identify the source of the

oil. The source of the oily water entering the lateral could not be identified and is still unknown. In May, 2012, EPA re-evaluated the manhole, lateral, and weir. The wooden board was still in place and oily water had reaccumulated behind the board. A sample of the reaccumulated material yielded 220,000 mg/kg PCBs, indicating there is a source of free product from the facility that is continually releasing to the storm sewer and the Milwaukee River.

In May, 2012, WDHS issued a Health Consultation for the Milwaukee Die Casting Site that concluded that the conditions at the Site pose immediate, medium term, and long-term public health concerns. Specifically, WDHS concluded that unprotected contact with PCBs present in the building and the storm sewer could harm the health of people exposed, even if the exposure is only for a short time. WDHS' Health Consultation (Administrative Record) provides extensive information about the toxicology of PCBs, chlorinated solvents, and asbestos.

- **Actual or potential contamination of drinking water supplies or sensitive ecosystems;**

High concentration PCBs (410,000 mg/kg) were found in oily water discharging from the facility through the City of Milwaukee storm sewer to the Milwaukee River, less than ¼ mile from the Site. The Milwaukee River empties into Lake Michigan. There are several parks along the Milwaukee River as it travels toward Lake Michigan from the discharge point. Recreational use of the Milwaukee River is quite extensive, including fishing, kayaking, canoeing, competitive rowing, numerous commercial boat tours, and restaurants along the river.

- **Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers that may pose a threat of release;**

High concentration PCBs were documented during the EPA site assessment in the trenches, sumps, and underground tunnel system at the Site (PCB concentrations of 17,000 ppm were measured in the building's tunnel system). The roof of the facility is failing and the building continually fills with stormwater. The stormwater becomes contaminated as it comes into contact with the facility trenches, sumps, and tunnels. Some of the contaminated stormwater remains contained on Site; however, some of the oily water is being released into the City's storm sewer and the Milwaukee River. Additionally, some of the contaminated water flows over land to the neighboring properties. The source of the oily water leaving the facility through the storm sewer has not been conclusively determined, but is believed to be the sumps, tunnel system, and/or other similar underground containers at the Site, alone or collectively.

- **High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate;**

During EPA's site assessment, migration of PCBs and chlorinated solvents through the on-site soils into the groundwater, as well as migration of these contaminants off-site via

surface runoff and in the groundwater was documented. Specifically, PCBs were identified in soils under the building (PCB concentrations of 3,100 ppm were measured under the building's foundation) and around the building, including on neighboring properties to the north and east of the Site (PCB concentrations were measured at 18 ppm), and in the groundwater on and off-site. Chlorinated solvents were also identified in soils on-site (PCE concentrations of 31 ppm and TCE concentrations of 76 ppm were measured under the building's foundation) as well as in soils off-site (PCE concentrations were measured at 59 ppm) and in the groundwater. Failure to remove the source of the PCB, PCE, and TCE contamination will result in continued migration through the soils and in the groundwater.

- **Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;**

The roof of the facility is failing and the building continually fills with stormwater. The stormwater becomes contaminated as it comes into contact with the facility trenches, sumps, and tunnels. Some of the contaminated stormwater is known to be discharging into the City's storm sewer and the Milwaukee River. It also flows onto neighboring properties. Heavy snow will hasten the degradation of the roof and exacerbate this release.

- **The [lack of] unavailability of other appropriate federal or state response mechanisms to respond to the release;**

The City of Milwaukee, WDNR, and EPA's Land and Chemical Division have worked with the PRPs in the past to address the contamination remaining at the Site. They have used many enforcement tools, including court orders, to compel the required removal actions. The PRPs contended that they rendered the Site stable in 2008. The property is currently abandoned with no entity exercising control of it. EPA and WDNR have demonstrated that there are ongoing releases that present an imminent and substantial risk to public health and the environment. The City of Milwaukee and WDNR requested EPA assistance to require the PRPs to conduct a time-critical removal action and provide a mechanism to resolve the property abandonment and access issues.

- **Other situations or factors that may pose threats to public health or welfare or the environment.**

As noted, the property is currently abandoned with no entity exercising control of it or taking responsibility for it. The conditions at the Site continue to deteriorate at a quickening rate, resulting in greater exposure and additional releases. Without the necessary clean-up, the property abandonment and access issues cannot be resolved.

IV. ENDANGERMENT DETERMINATION

Given the Site conditions and the nature of the contaminants on-Site, as described in Sections II and III above, actual or threatened releases of hazardous substances from this

Site present an imminent and substantial endangerment to public health, welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed Action Description:

The response actions described in this memorandum directly address actual or potential releases of hazardous substances on Site, which may pose an imminent and substantial endangerment to public health, or welfare, or the environment. Removal activities conducted by the PRPs will include:

- develop and implement a Site Work Plan, a Health and Safety Plan, an Air Monitoring Plan, an Emergency Contingency Plan, a Site Security Plan, and a Stormwater Management Plan;
- disconnect the property from the storm sewer by inspecting, cleaning and sealing sewer laterals, and removing the mid-central lateral;
- identify and remove "free product" (waste oil containing high concentrations of PCBs) and sources of free product (e.g., under foundation, adjacent to tunnel structures, in sumps) as directed by EPA OSC;
- excavate and dispose of off-site soils in areas that are contaminated with PCBs and chlorinated solvents in unsaturated soils greater than residential soil regional screening levels;
- identify, remove, and properly dispose of asbestos containing materials at the Site;
- demolish the remnants of the building;
- decommission the tunnel system beneath the building in accordance with 40 CFR 761.30(p);
- excavate and dispose of on-site unsaturated soils contaminated with chlorinated solvents greater than industrial soil regional screening levels;
- excavate and dispose of all PCB contaminated material not addressed in Paragraphs 16(c) and 16(d), above, as required by an application submitted by Respondents and approved by EPA pursuant to 40 C.F.R. 761.61(c). If such an application is not submitted by Respondents within 120 days of the Effective Date or denied by EPA, Respondents shall immediately commence a self-implemented clean-up of all bulk PCB remediation waste with a PCB concentration greater than 100ppm in accordance with the standards and procedures of 40 C.F.R. § 761.61(a);
- conduct post-excavation sampling to verify clean-up;
- establish a cap for the Site and restore vegetative cover (where applicable) to minimize erosion;
- establish institutional controls that limit future use of the property and establish cap maintenance requirements; and
- maintain the cap until Respondents submit to EPA documentation of a written

agreement between Respondents and a new owner of the Site, in which such owner assumes Respondents' obligation to maintain the cap.

The removal action will be conducted in a manner not inconsistent with the NCP. The OSC has initiated planning for provision of post-removal Site control consistent with the provisions of Section 300.415(l) of the NCP.

All hazardous substances, pollutants, or contaminants removed off-site pursuant to this removal action for treatment, storage, and disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by EPA, with the EPA Off-Site Rule, 40 C.F.R. § 300.440.

2. Contribution to Remedial Performance:

The proposed action will not impede future actions based on available information. No long-term remedial actions are anticipated for the Site.

3. Engineering Evaluation/Cost Analysis (EE/CA):

Not Applicable

4. Applicable or Relevant and Appropriate Requirements (ARARs):

All applicable or relevant and appropriate requirements (ARARs) will be complied with to the extent practicable given the exigencies of the situation. On October 31, 2012, a letter was sent to Steve Mueller of the Wisconsin Department of Natural Resources asking for any State of Wisconsin ARARs which may apply.

5. Project Schedule:

It is expected that the PRP will commence this required field work no later than 30 calendar days from the effective date of the AOC. Also, it is expected that the PRP will complete all field requirements within one year.

B. <u>Estimated Costs</u>

Not available, since this is an Enforcement Action Memorandum. Recovery of EPA's oversight costs is included as a provision of the AOC.

The response actions described in this memorandum directly address actual or threatened releases of hazardous substances, pollutants or contaminants at the Site which may pose an imminent and substantial endangerment to public health and safety, and to the environment. These response actions do not impose a burden on the affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Given the Site conditions, the nature of the hazardous substances and pollutants or contaminants documented on Site, and the potential exposure pathways to nearby populations described in Sections II, III and IV above, the actual or threatened release of hazardous substances and pollutants or contaminants from the Site presents an imminent and substantial endangerment to public health, welfare or the environment if this action is not taken. This will increase the potential that hazardous substances will be released, thereby threatening the adjacent population and the environment. Delayed or non-action may result in increased likelihood of external exposure, inhalation, ingestion or direct contact to human populations trespassing at or near the Site.

VII. OUTSTANDING POLICY ISSUES

Not applicable.

VIII. ENFORCEMEN

For administrative purposes, information concerning confidential enforcement strategy for this Site is contained in the Enforcement Confidential Addendum.

IX. RECOMMENDATION

This decision document represents the selected removal action for the Milwaukee Die Casting Site, Milwaukee, Milwaukee County, Wisconsin, developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based upon the Administrative Record for this Site (Attachment 3). Conditions at the Site meet the NCP Section 300.415(b)(2) criteria for a removal action and I recommend your approval of the proposed removal action. You may indicate your decision by signing below.

APPROVE Richard C Karl DATE: 12-3-12

Richard C. Karl, Director
Superfund Division

DISAPPROVE _____ DATE: _____

Richard C. Karl, Director
Superfund Division

Enforcement Addendum

Figures:

1 Site Location Map
2 Site Layout and Utility Corridors

Attachments

1. Environmental Justice Analysis
2. Photo Log
3. Administrative Record Index

cc: S. Fielding, U.S. EPA 5202G
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BCC PAGE HAS BEEN REDACTED

NOT RELEVANT TO SELECTION OF

REMOVAL ACTION

ENFORCEMENT ADDENDUM ENFORCEMENT SENSITIVE – DO NOT RELEASE – NOT SUBJECT TO DISCOVERY – FIOA EXEMPT

HAS BEEN REDACTED

THREE PAGES

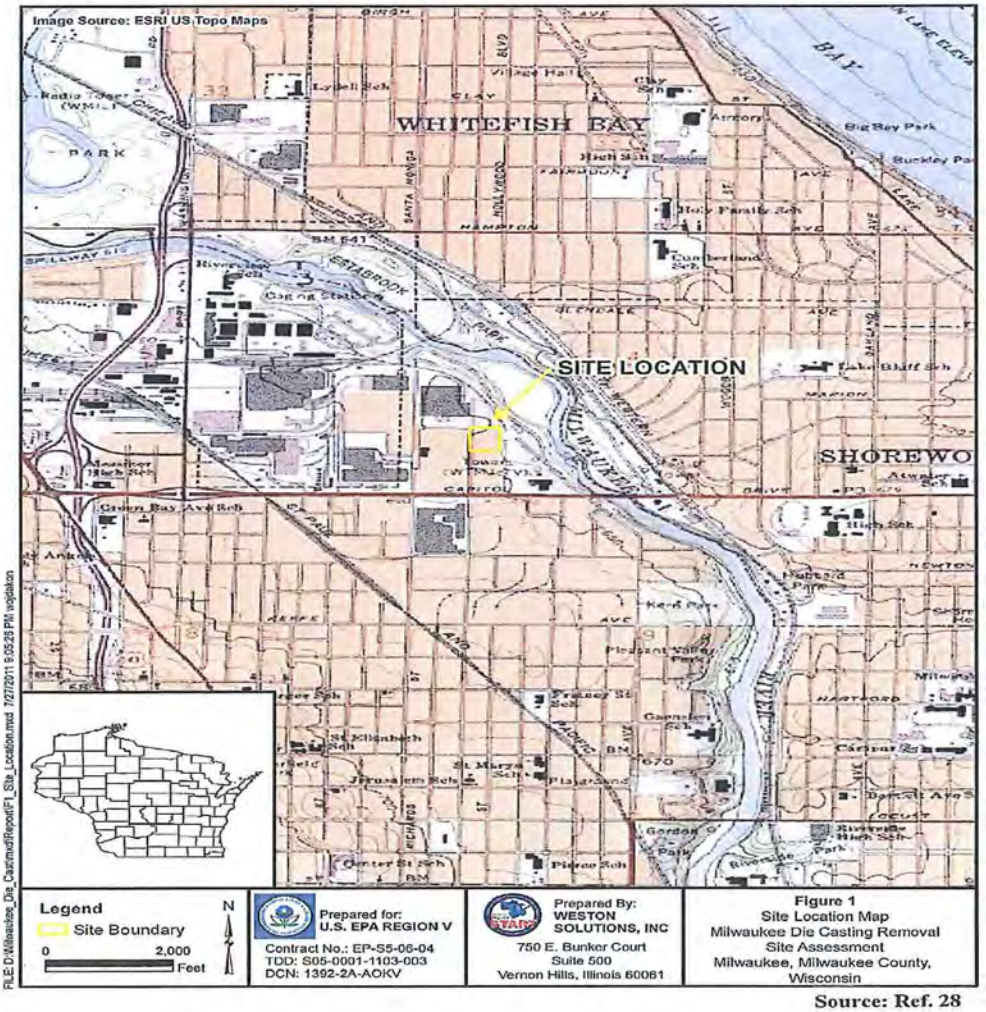
ENFORCEMENT SENSITIVE

NOT APPLICABLE TO DISCOVERY

NOT RELEVANT TO SELECTION OF REMOVAL ACTION

FIGURE 1

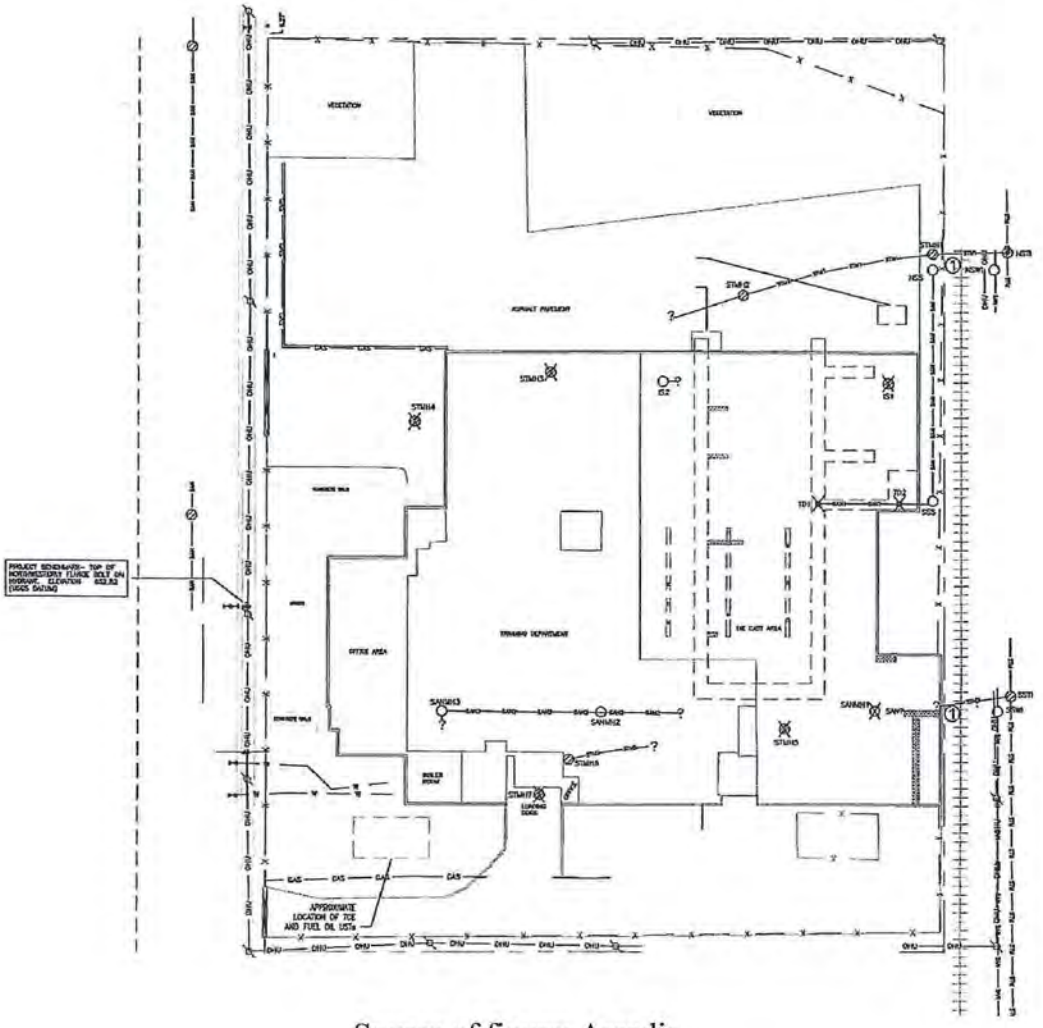
SITE LOCATION MAP
MILWAUKEE DIE CASTING SITE
MILWAUKEE, MILWAUKEE COUNTY, WISCONSIN
NOVEMBER 2012



Source: Ref. 28

FIGURE 2

SITE LAYOUT AND UTILITY CORRIDORS
MILWAUKEE DIE CASTING SITE
MILWAUKEE, MILWAUKEE COUNTY, WISCONSIN
NOVEMBER 2012



Source of figure: Arcadis

ATTACHMENT 1

ENVIRONMENTAL JUSTICE ANALYSIS
MILWAUKEE DIE CASTING SITE
MILWAUKEE, MILWAUKEE COUNTY, WISCONSIN
NOVEMBER 2012

ATTACHMENT 2

PHOTO LOG
MILWAUKEE DIE CASTING SITE
MILWAUKEE, MILWAUKEE COUNTY, WISCONSIN
NOVEMBER 2012

Site photo: perimeter fence, boarded building, TMJ antennas in background

Site photo: evidence of trespassing - graffiti on the eastern wall of the building

City of Milwaukee Storm Sewer with make-shift weir and oily liquid at end of lateral
(photo taken 2/2/12)

ATTACHMENT 3

ADMINISTRATIVE RECORD INDEX
MILWAUKEE DIE CASTING SITE
MILWAUKEE, MILWAUKEE COUNTY, WISCONSIN
NOVEMBER 2012

ATTACHMENT 3

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR
MILWAUKEE DIE CASTING SITE
MILWAUKEE, MILWAUKEE COUNTY, WISCONSIN

ORIGINAL
NOVEMBER 2, 2012

NO.	DATE	AUTHOR	RECIPIENT	TITLE/DESCRIPTION	PAGES
1	10/25/10	Chicago Title Insurance Company	File	Report on Title Number 1273939 for 4132 N. Holton St., Milwaukee, WI	4
2	01/25/11	Ribordy, M., U.S. EPA	Chronert, R., WDNR	E-Mail Transmission re: WDNR Removal Assessment Request for Assistance at the Former Milwaukee Die Casting Site w/ Reply History	2
3	04/27/11	U.S. District Court/Eastern District of Wisconsin	U.S. EPA	Administrative Warrant for Entry, Inspection, Sampling, Taking Photographs, and Reviewing and Copying Records for the Milwaukee Die Casting Site	6
4	06/16/11	Halbur, K., U.S. EPA	U.S. District Court/Eastern District of Wisconsin	Administrative Search Warrant Return for the Milwaukee Die Casting Site	2
5	12/29/11	City of Milwaukee Department of Neighborhood Services	Recipients	Results of Inspection at 4132 N. Holton St., Milwaukee, WI	12
6	02/29/12	Weston Solutions, Inc.	U.S. EPA	Removal Site Assessment Summary Report (Revision 1) for the Milwaukee Die Casting Site	1236
7	03/06/12	El-Zein, J., U.S. EPA	Buzbee, T., Fisher Controls International, LLC	Letter re: General Notice of Potential Liability for the Milwaukee Die Casting Site	3
8	03/06/12	El-Zein, J., U.S. EPA	Esper, T., Slyman Industries, Inc.	Letter re: General Notice of Potential Liability for the Milwaukee Die Casting Site	3
9	03/06/12	El-Zein, J., U.S. EPA	Gierke, W., Pfizer Global Engineering	Letter re: General Notice of Potential Liability for the Milwaukee Die Casting Site	3

NO.	DATE	AUTHOR	RECIPIENT	TITLE/DESCRIPTION	PAGES
10	05/03/12	ATSDR/ WI DHS	File	Health Consultation for the Milwaukee Die Casting Site	28
11	09/11/12	Stollenwerk, M., Weston Solutions, Inc.	Halbur, K., U.S. EPA	Letter re: Addendum to February 29, 2012 Removal Site Assessment Summary Report for the Milwaukee Die Casting Site w/ Attachments	100
12	10/31/12	Halbur, K., U.S. EPA	Mueller, S., WDNR	Letter re: U.S. EPA Request for ARARs for the Milwaukee Die Casting Site	2
13	00/00/00	Halbur, K., U.S. EPA	Karl, R., U.S. EPA	Enforcement Action Memorandum: Determination of Threat to Public Health and the Environment at the Milwaukee Die Casting Site **(PENDING)**	